

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 79-01630 WHA

ANDREW LANCASTER, JEFFERY MILLS,
DEXTER WILLIAMS, WILLIAM DENNIS,
STEVE LIVADITIS, JIMMY VAN PELT,
H. LEE HEISHMAN III AND JOHNATON
GEORGE,

Plaintiffs,

v.

MATTHEW CATE, Acting Secretary,
California Department of Corrections and
Rehabilitation, and ROBERT L. AYERS, JR.,
Acting Warden, San Quentin State Prison,

Defendants.

**ORDER REFERRING MOTION
TO MAGISTRATE JUDGE
VADAS AND VACATING
HEARING**

Following a February 2008 bench trial, in April 2008 the parties entered a stipulation detailing a plan to effectuate the consent decree's remaining provisions. Defendants now move to modify the provision of the stipulated plan which requires defendants to re-engineer the East Block showers. Defendants contend that the interim measure adopted — "pony walls" — has proven to be an effective solution to the concerns regarding the flow of water. The motion is **REFERRED** to Magistrate Judge Vadas for his report and recommendations regarding the motion to modify the April 2008 stipulation, to be completed within **FOURTEEN DAYS** of the entry of this order. The hearing scheduled for January 15, 2009 is **VACATED**.

Dated: January 14, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE